



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street
San Francisco, CA 94105-3901

June 19, 2003

Celeste Cantú, Executive Director
California State Water Resources Control Board
1001 I Street
Sacramento, CA 95814

Dear Ms. Cantú:

The U.S. Environmental Protection Agency ("EPA") has reviewed an amendment to the *Water Quality Control Plan, Los Angeles Region* ("Basin Plan") for the coastal watersheds of Los Angeles and Ventura Counties which updates ammonia water quality objectives and implementation procedures for inland surface waters, enclosed bays, and estuaries which are characteristic of freshwater and support aquatic life. This amendment was adopted by the Los Angeles Regional Water Quality Control Board ("Regional Board") on April 25, 2002 (Regional Board Resolution No. 2002-011), as corrected by the Regional Board Executive Officer in a memorandum dated February 4, 2003, and approved by the State Water Resources Control Board and State Office of Administrative Law on April 30, 2003 and June 5, 2003, respectively. Section 303(c) of the Clean Water Act ("CWA") requires EPA to approve or disapprove new or revised state-adopted water quality standards. By this letter EPA is approving the corrected 2002 amendment to Chapter 3, *Water Quality Objectives*, of the Basin Plan, subject to the results of the national 304(a) consultations under Section 7 of the ESA, as detailed below.

ESA Consultation with the Services on EPA's Action

Section 7(a)(2) of the Endangered Species Act ("ESA") states that each federal agency shall ensure that any action authorized, funded, or carried out by such agency is not likely to jeopardize the continued existence of any federally listed endangered or threatened species. EPA has entered into informal consultation with the U.S. Fish and Wildlife Service and National Marine Fisheries Service on CWA section 304(a) ambient water quality criteria protecting aquatic life. In the January 18, 2001 memorandum of agreement, EPA and the Services have agreed that if, during the national 304(a) consultations, EPA proposes to take an action approving state water quality criteria that are identical to or more stringent than EPA's existing 304(a) criteria, such actions are covered under the national consultations and EPA may proceed with its action, subject to the outcome of the national consultations.

Scope of EPA's Approval

Today's action applies to only those portions of the corrected 2002 amendment that are subject to EPA's water quality standard approval authority under section 303(c) of the CWA.

Section 303(c) requires EPA to review and approve or disapprove new or revised water quality standards submitted by a state. For purposes of section 303(c), water quality standards generally include designated uses and water quality criteria (or "beneficial uses" and "water quality objectives," respectively, under California law), and antidegradation policies. In addition, under EPA's water quality standards regulation, a state has discretion to include in its standards "policies generally affecting their application and implementation, such as mixing zones, low flows and variances." 40 C.F.R. § 131.13. Though optional with a state, such implementation policies are also subject to EPA review and approval under CWA section 303(c). Id.

This paragraph sets forth in whole the scope of EPA's approval of the corrected 2002 amendment. Pages 1 - 9 of the amendment include water quality objectives for ammonia and implementation provisions (numbers 1 - 4) which are subject to EPA's review and approval under CWA section 303(c). These pages entirely replace paragraphs one through five under the objective for "Ammonia" in Chapter 3 of the 1994 update to the Basin Plan, for inland surface waters, enclosed bays, and estuaries which are characteristic of freshwater and support aquatic life. Ammonia objectives in the 1994 Basin Plan remain in effect for enclosed bays and estuaries that support aquatic life, but are not characteristic of freshwater.

EPA has determined that implementation provision number 5 (see pp. 10 - 15 of the amendment) concerns a procedure established expressly to implement specified EPA National Pollutant Discharge Elimination System permit regulations at 40 C.F.R. Part 122, Subpart C, and is outside the purview of today's action.

Discussion and EPA's Approval

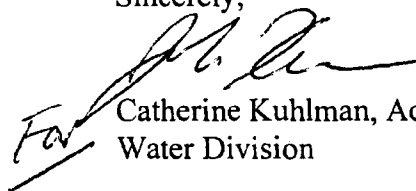
The corrected 2002 amendment for ammonia reflects and is as stringent as EPA's current recommendations as set forth in *1999 Update of Ambient Water Quality Criteria for Ammonia* (EPA-822-R-99-014, December 1999). The proposed ammonia water quality objective contains EPA's most recent recommended freshwater aquatic life criteria for total ammonia: acute criteria are dependent on pH and whether sensitive coldwater fish are present; chronic criteria are dependent on waterbody pH and temperature and whether fish early life stages ("ELS") are present.

Pursuant to Section 303(c) of the CWA and implementing federal regulations at 40 C.F.R. § 131, EPA hereby approves the ammonia water quality objectives for inland surface waters, enclosed bays, and estuaries which are characteristic of freshwater and support aquatic life, and implementation provision numbers 1 - 4, contained on pages 1 - 10 of the corrected

2002 amendment. This approval is subject to the results of the national 304(a) consultation under Section 7 of the ESA.

If there are any questions regarding our action, please contact Robyn Stuber, of my staff, at (415) 972-3524. As always, we look forward to continued cooperation with the State in achieving our mutual environmental goals.

Sincerely,

A handwritten signature in black ink, appearing to read "C. Kuhlman", is written over the typed name and title.

Catherine Kuhlman, Acting Director
Water Division

cc: Dennis Dickerson, Los Angeles Regional Water Quality Control Board
Stan Martinson, State Water Resources Control Board, Division of Water Quality
Susan A. Warner, North Coast Regional Water Quality Control Board
Loretta K. Barsamian, San Francisco Bay Regional Water Quality Control Board
Roger W. Briggs, Central Coast Regional Water Quality Control Board
Gary M. Carlton, Central Valley Regional Water Quality Control Board
Loren J. Harlow, Central Valley Regional Water Quality Control Board, Fresno Office
James C. Pedri, Central Valley Regional Water Quality Control Board, Redding Office
Thomas R. Pinkos, Central Valley Regional Water Quality Control Board, Sacramento Office
Harold J. Singer, Lahontan Regional Water Quality Control Board
Phil Gruenberg, Colorado River Basin Regional Water Quality Control Board
Gerard J. Thibeault, Santa Ana Regional Water Quality Control Board
John Robertus, San Diego Regional Water Quality Control Board
Diane Noda, U.S. Fish and Wildlife Service, Ventura Office
Jim Bartel, U.S. Fish and Wildlife Service, Carlsbad Office
James Lecky, National Marine Fisheries Service, Southwest Region
Brian Thompson, U.S. Environmental Protection Agency, Office of Water (4305)

June 19, 2003

Celeste Cantú, Executive Director
California State Water Resources Control Board
1001 I Street
Sacramento, CA 95814

Dear Ms. Cantú:

The U.S. Environmental Protection Agency ("EPA") has reviewed an amendment to the *Water Quality Control Plan, Los Angeles Region* ("Basin Plan") for the coastal watersheds of Los Angeles and Ventura Counties which updates ammonia water quality objectives and implementation procedures for inland surface waters, enclosed bays, and estuaries which are characteristic of freshwater and support aquatic life. This amendment was adopted by the Los Angeles Regional Water Quality Control Board ("Regional Board") on April 25, 2002 (Regional Board Resolution No. 2002-011), as corrected by the Regional Board Executive Officer in a memorandum dated February 4, 2003, and approved by the State Water Resources Control Board and State Office of Administrative Law on April 30, 2003 and June 5, 2003, respectively. Section 303(c) of the Clean Water Act ("CWA") requires EPA to approve or disapprove new or revised state-adopted water quality standards. By this letter EPA is approving the corrected 2002 amendment to Chapter 3, *Water Quality Objectives*, of the Basin Plan, subject to the results of the national 304(a) consultations under Section 7 of the ESA, as detailed below.

ESA Consultation with the Services on EPA's Action

Section 7(a)(2) of the Endangered Species Act ("ESA") states that each federal agency shall ensure that any action authorized, funded, or carried out by such agency is not likely to jeopardize the continued existence of any federally listed endangered or threatened species. EPA has entered into informal consultation with the U.S. Fish and Wildlife Service and National Marine Fisheries Service on CWA section 304(a) ambient water quality criteria protecting aquatic life. In the January 18, 2001 memorandum of agreement, EPA and the Services have agreed that if, during the national 304(a) consultations, EPA proposes to take an action approving state water quality criteria that are identical to or more stringent than EPA's existing 304(a) criteria, such actions are covered under the national consultations and EPA may proceed with its action, subject to the outcome of the national consultations.

Scope of EPA's Approval

Today's action applies to only those portions of the corrected 2002 amendment that are subject to EPA's water quality standard approval authority under section 303(c) of the CWA.

Section 303(c) requires EPA to review and approve or disapprove new or revised water quality standards submitted by a state. For purposes of section 303(c), water quality standards generally include designated uses and water quality criteria (or "beneficial uses" and "water quality objectives," respectively, under California law), and antidegradation policies. In addition, under EPA's water quality standards regulation, a state has discretion to include in its standards "policies generally affecting their application and implementation, such as mixing zones, low flows and variances." 40 C.F.R. § 131.13. Though optional with a state, such implementation policies are also subject to EPA review and approval under CWA section 303(c). *Id.*

This paragraph sets forth in whole the scope of EPA's approval of the corrected 2002 amendment. Pages 1 - 9 of the amendment include water quality objectives for ammonia and implementation provisions (numbers 1 - 4) which are subject to EPA's review and approval under CWA section 303(c). These pages entirely replace paragraphs one through five under the objective for "Ammonia" in Chapter 3 of the 1994 update to the Basin Plan, for inland surface waters, enclosed bays, and estuaries which are characteristic of freshwater and support aquatic life. Ammonia objectives in the 1994 Basin Plan remain in effect for enclosed bays and estuaries that support aquatic life, but are not characteristic of freshwater.

EPA has determined that implementation provision number 5 (see pp. 10 - 15 of the amendment) concerns a procedure established expressly to implement specified EPA National Pollutant Discharge Elimination System permit regulations at 40 C.F.R. Part 122, Subpart C, and is outside the purview of today's action.

Discussion and EPA's Approval

The corrected 2002 amendment for ammonia reflects and is as stringent as EPA's current recommendations as set forth in *1999 Update of Ambient Water Quality Criteria for Ammonia* (EPA-822-R-99-014, December 1999). The proposed ammonia water quality objective contains EPA's most recent recommended freshwater aquatic life criteria for total ammonia: acute criteria are dependent on pH and whether sensitive coldwater fish are present; chronic criteria are dependent on waterbody pH and temperature and whether fish early life stages ("ELS") are present.

Pursuant to Section 303(c) of the CWA and implementing federal regulations at 40 C.F.R. § 131, EPA hereby approves the ammonia water quality objectives for inland surface waters, enclosed bays, and estuaries which are characteristic of freshwater and support aquatic life, and implementation provision numbers 1 - 4, contained on pages 1 - 10 of the corrected

2002 amendment. This approval is subject to the results of the national 304(a) consultation under Section 7 of the ESA.

If there are any questions regarding our action, please contact Robyn Stuber, of my staff, at (415) 972-3524. As always, we look forward to continued cooperation with the State in achieving our mutual environmental goals.

Sincerely,

Catherine Kuhlman, Acting Director
Water Division

cc: Dennis Dickerson, Los Angeles Regional Water Quality Control Board
Stan Martinson, State Water Resources Control Board, Division of Water Quality
Susan A. Warner, North Coast Regional Water Quality Control Board
Loretta K. Barsamian, San Francisco Bay Regional Water Quality Control Board
Roger W. Briggs, Central Coast Regional Water Quality Control Board
Gary M. Carlton, Central Valley Regional Water Quality Control Board
Loren J. Harlow, Central Valley Regional Water Quality Control Board, Fresno Office
James C. Pedri, Central Valley Regional Water Quality Control Board, Redding Office
Thomas R. Pinkos, Central Valley Regional Water Quality Control Board, Sacramento Office
Harold J. Singer, Lahontan Regional Water Quality Control Board
Phil Gruenberg, Colorado River Basin Regional Water Quality Control Board
Gerard J. Thibeault, Santa Ana Regional Water Quality Control Board
John Robertus, San Diego Regional Water Quality Control Board
Diane Noda, U.S. Fish and Wildlife Service, Ventura Office
Jim Bartel, U.S. Fish and Wildlife Service, Carlsbad Office
James Lecky, National Marine Fisheries Service, Southwest Region
Brian Thompson, U.S. Environmental Protection Agency, Office of Water (4305)

MAIL CODE	WTR5	WTR-1				
SURNAME	De-	Kem				
DATE	6/19/03	6/19				

U.S. EPA CONCURRENCES

OFFICIAL FILE COPY